

AMENDMENTS TO THE COUNCIL'S CONSTITUTION: PART 13 - OFFICER RESPONSIBILITIES AND DELEGATIONS

Governance Committee – 5 November 2013

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Fleming (Strategy and Performance)

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Recommendation to Governance Committee: That the Committee notes the changes to delegations made within the Constitution following the senior management restructure as approved by Council on the 1st October 2013.

Reason for recommendation: to ensure the Members of the Committee are aware of the changes approved by Full Council.

Introduction and Background

- 1 At the meeting of Full Council on 19 February 2013 it was agreed that:

‘authority be delegated to the Monitoring Officer to make the necessary consequential changes to Part 13 of the Constitution entitled “Officer Responsibilities and Delegations” in order to take account of the changes in senior management set out within the report.’ (Minute 50. d (e))
- 2 Under the above delegated authority the Monitoring Officer made the necessary amendments to the Council’s Constitution and these were in place when the new senior management structure took effect on 1 September 2013. In addition to the amendments that were made in relation to the senior management reorganisation, the Monitoring Officer also took the opportunity to ensure that Part 13 of the Constitution reflected the most up-to-date legislation. Paragraph 2.2 of Part 1 of the Constitution enables the Monitoring Officer to make changes to the Constitution required by statute.
- 3 As the amendments were made under delegated authority there was no need to ask Council to formally adopt the changes. However due to the substantial amendments that were required it was felt prudent to bring these to Members’ attention and as a result the changes were approved by Council on the 1st October 2013.

Changes Made

4 The amended Part 13 of the Constitution entitled “Officer Responsibilities and Delegations” is set out within the Appendix to this report and has been in operation since the 1st September 2013 and appears to be working effectively.

5 The main changes to the Delegation document are as follows:

The Director posts were deleted.

All Heads of Service posts were deleted.

The Head of Paid Service and s.151 Officer responsibilities were amalgamated under the Chief Executive post.

Paragraph 4.6 was updated to reflect the fact that Ethical Standards Officers no longer exist under current legislation with the Monitoring Officer having delegated authority in relation to investigations. A cross reference in a foot note to Appendix S of the Constitution “Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011” can be made for clarification purposes.

Following the creation of the new Chief Officer posts generic delegations to such officers were set out under paragraph 11.

All new Chief Officers were asked to set out their responsibilities and to check and where necessary update their legal powers.

A typographical error was spotted in relation to the sum set out for writing off debts. This read £500 and should have read £5,000 in line with Appendix D “Financial Procedure Rules”. A cross reference in a foot note to Appendix D of the Constitution “Financial Procedure Rules” can be made for clarification purposes.

Key Implications

Financial

None arising directly from the contents of this report.

Legal Implications and Risk Assessment Statement.

Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

If Chief Officers act without the appropriate authority any decision or action they take could be challenged and result in adverse costs and publicity against the Council. It is therefore imperative that delegations are in place for the operational efficiency of the Council.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Appendices

Appendix – Part 13 - Officer Responsibilities and Delegations (as amended)

Background Papers:

Sevenoaks District Council's Constitution
Local Government Act 2000

Mrs Christine Nuttall
Chief Officer for Legal and Governance